



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 89 of 2019

Piyush Heights Residents Tower J & K  
Welfare Association

....COMPLAINANT

VERSUS

Piyush Buildwell India Ltd.

....RESPONDENT

**CORAM:** Rajan Gupta  
Anil Kumar Panwar

**Chairman  
Member**

**Date of Hearing:** 28.10.2021

**Hearing:** 20<sup>th</sup>

**Present:** Mr. M. C. Jain, President of Piyush Heights Residents  
Tower J & K Welfare Association for complainant-  
association

Mr. Rahul Rathore, Counsel for RWA through VC

None for respondent

### **ORDER (RAJAN GUPTA-CHAIRMAN)**

On the last date of hearing dated 28.09.2021, Shri M.C. Jain, President of Piyush Heights Residents Tower J&K Welfare Association had stated that they have filed an application on 27.08.2021 with competent Authority of the State Government for granting them occupation certificate. He

also stated that they have fulfilled all requisite formalities to enable the department to issue occupation certificate expeditiously. Today Shri M.C.Jain, President stated that they are unaware of action being taken by department in this regard. He stated that if no objection is received from the department, after lapse of 60 days from the date of filing the application, it should be considered as deemed grant of occupation certificate as per law to entitle the allottees to occupy their apartments.

2. Shri Jain further requested that the Authority may fix a date on which completed apartments may be handed over to individual allottees by association of allottees. He also requested that this is a land mark achievement of the Authority in which apartments of a housing complex have been got completed in pursuance of the provisions of Section 8 of the RERA Act by handing over incomplete project to the Association of the Allottees.

3. The Authority observes that Association of Allottees has worked tirelessly over last more than two years. Builders had completely abandoned the project and allottees were suffering body. The project was handed over to the Association of Allottees in accordance with provisions of Section 8 of the RERA Act. Now the apartments are ready for being handed over to individual allottees. An application for grant of occupation certificate has also been filed and exactly two months have passed and no objection has been received from the department. The individual allottees have contributed money from their own pocket for completion of the project. Now the complainant-association and their



member allottees should not suffer any more for want of grant of occupation certificate by the department. In this regard provisions of clause 4.10(v) of Haryana Building Code,2017 is reproduced below:

“(5) If no communication is received from the Competent Authority within 60 days of submitting the application for “Occupation Certificate”, the owner is permitted to occupy building, considering deemed issuance of “Occupation certificate” and the application Form BR-IV (A) or BR-IV(B) shall act as “Occupation Certificate”. However, the competent authority may check the violations made by the owner and take suitable action.”

4. In view of the above facts and background, the Authority allows Association of allottees to hand over possession of apartments to individual allottees. 26.11.2021 is fixed as the day and date for handing over possession to allottees. District Town Planner, Faridabad and Deputy Commissioner, Faridabad are directed to depute one representative of theirs to reach the site at 11.00 AM for overseeing the process of handing over of apartments to the allottees. SSP, Faridabad is directed to deploy adequate police force for maintenance of law and order. The Association shall maintain precise record of the process of handing over individual apartments to respective allottees.

5. The Authority also observes that in case the department has to recover any dues etc. in respect of the project, the same will remain recoverable from the licensee promoter. It is clarified that the Association of Allottees should not be considered a substituted promoter of the project. The associations



under Section 8 are created only for the purpose of completion of the project for handing over possession to its members allottees. It is reiterated that in case any dues are recoverable from the promoter and any formalities have to be gone through, the same may be recovered and complied with in lawful manner from the promoter of the project or from any asset of the promoter. The association of allottees is not liable to discharge any legal obligation of the promoter towards the State Government agencies. For those obligations the promoter will continue to be liable.

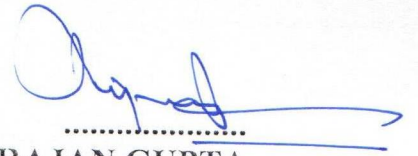
6. Complainant association further submitted that association is in process of collecting and verifying the documents of the allottees for the purpose of handing over possession to the right person. Out of 124 members, 105 members have submitted their documents and remaining are in process to do the same. It is prayed that direction may be given that only those allottees who have submitted their complete documents are eligible for taking over possession of their respective flats.

The Authority is of the view that allottees, who have supplied complete documents, are entitled for possession. Remaining allottees whose documents are not complete or not submitted are not entitled for possession till submission of documents before association for verification.

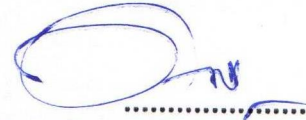
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7.

Case is adjourned to 21.12.2021.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]

